

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re:

41-23 HAIGHT REALTY INC.,
a/k/a 41-23 HAIGHT STREET REALTY, INC.,

Debtor.

Chapter 11

No. 19-43441-nhl

Hon. Nancy Hershey Lord

THE OFFICIAL COMMITTEE OF UNSECURED
CREDITORS OF 41-23 HAIGHT REALTY INC.,
a/k/a 41-23 HAIGHT STREET REALTY, INC.,

Plaintiff,

v.

G4 CAPITAL BRIDGE, LLC,

Defendant.

Adv. Pro. No. 21-01121-nhl

**AMENDED NOTICE OF
DISMISSAL**

The Official Committee of Unsecured Creditors (the “Committee”), of 41-23 Haight Realty Inc., a/k/a 41-23 Haight Street Realty, Inc. (“Haight Realty” or, the “Debtor”), by and through its undersigned counsel, as and for its Amended Notice of Dismissal, respectfully represents as follows:

1. On August 10, 2021, a complaint (the “Complaint”) was filed against G4 Capital Bridge, LLC (“Defendant”), thereby commencing the above-captioned adversary proceeding (the “Adversary Proceeding” and references to its docket, “AVP No.”). AVP No. 1.
2. On March 22, 2022, the Committee filed its *Official Committee of Unsecured Creditors’ Motion for the Entry of an Order for Default and Default Judgment Against the Defendant*. AVP No. 4.
3. On April 14, 2022, Defendant appeared through its counsel. AVP No. 6.
4. On July 24, 2023, the Committee filed the Notice of Dismissal, however did not dismiss the Adversary Proceeding with prejudice. AVP No. 36.

5. With one certain exception not applicable here, rule 41 of the Federal Rules of Civil Procedure (the “Federal Rules”), is made applicable to this Adversary Proceeding by rule 7041 of the Federal Rules of Bankruptcy Procedure. *See* Fed. R. Bankr. P. 7041. Federal Rule 41(a)(1)(A)(i) states in pertinent part that “the plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment[.]” *See* Fed. R. Bankr. P. 7041(a)(1)(A).

6. Defendant has neither filed an answer nor a motion for summary judgment in the Adversary Proceeding.

PLEASE TAKE NOTICE that, pursuant to rule 41(a) of the Federal Rules of Civil Procedure, made applicable to this adversary proceeding by rule 7041 of the Federal Rules of Bankruptcy Procedure, notice is hereby given that the above-captioned adversary proceeding is hereby dismissed, in its entirety, with prejudice.

Dated: July 25, 2023
Buffalo, New York

GLEICHENHAUS, MARCHESE & WEISHAAR, P.C.

/s/ Scott J. Bogucki, Esq.

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